

LOCAL GOVERNMENT LEGISLATION APPROVED BY THE 2003 MONTANA LEGISLATURE

Prepared for the Education and Local Government Interim Committee

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This report contains brief summaries of the bills relating to local government that were passed by the 2003 Montana Legislature. For more indepth information, please consult the actual bills that can be found on the Legislative Branch website at <http://leg.mt.gov>.

CITIES AND TOWNS

Bill No./ Sponsor	Key Provisions
HB 132 Musgrove	<ul style="list-style-type: none">• Allows a city with a population between 9,000 and 10,000 to choose to be a first-class or second-class city.• Effective February 11, 2003• Chapter No. 15
HB 249 Barrett	<ul style="list-style-type: none">• Allows a city or town to adopt a game animal control plan with the approval of the Department of Fish, Wildlife, and Parks.• Effective April 23, 2003• Chapter No. 466
SB 320 Tester	<ul style="list-style-type: none">• Allows a municipality to adjust its base taxable value in the case of tax increment financing districts created between January 1, 1998, and July 1, 2001, for which bonds were not issued.• Effective April 26, 2003• Chapter No. 525

COUNTIES

Bill No./ Sponsor	Key Provisions
HB 264 Gibson	<ul style="list-style-type: none">• Requires county officers, including elected officials, to follow county personnel policies and procedures when supervising staff.• Effective October 1, 2003• Chapter No. 112

HB 339 Pattison	<ul style="list-style-type: none"> • Clarifies which counties are required to have a county auditor: 1st, 2nd, 3rd, or 4th class and population of 15,000 or more. • Allows other counties to have a county auditor at the discretion of the commissioners. • Effective October 1, 2003 • Chapter No. 145
HB 408 Peterson	<ul style="list-style-type: none"> • Requires payment of local registrar fees to a county if the local registrar is a county employee. • Effective April 22, 2003 • Chapter No. 434
HB 416 Younkin	<ul style="list-style-type: none"> • Extends the protest period for creation of a RID from 15 days to 30 days. • Effective October 1, 2003 • Chapter No. 198
HB 450 Newman	<ul style="list-style-type: none"> • Increases certain fees charged by district court clerks: general copying, copies of marriage licenses and dissolution decrees, and court record searches. • Effective July 1, 2003 • Chapter No. 100
HB 489 Lehman	<ul style="list-style-type: none"> • Ensures that the state will, in the future, pay the expenses associated with civil jury trials in counties that had no civil trials in FY 1998 and FY 1999 and in counties where trial expenses were paid from the county general fund. • Effective July 1, 2003 • Chapter No. 585
HB 680 Noennig	<ul style="list-style-type: none"> • Establishes standards for documents filed with a county clerk and recorder. • Sets fees for recording documents for which recording fees are not set elsewhere in statute. • Effective July 1, 2005 • Chapter No. 571
HB 748 Devlin	<ul style="list-style-type: none"> • Changes the method for distributing oil and natural gas taxes to state funds and local taxing units. • Establishes fixed percentages in statute for the distribution to individual counties. • Effective April 26, 2003 • Chapter No. 522

<p>SB 19 Grimes</p>	<ul style="list-style-type: none"> • Revises the laws relating to assumption of district court costs: <ul style="list-style-type: none"> ▼ revises the appointing authority for court reporters, juvenile probation officers, and youth assessment officers; ▼ clarifies workers' compensation requirements for court reporters who are independent contractors; ▼ eliminates statutory job qualifications for juvenile probation officers; and ▼ clarifies procedures for paying jurors and witnesses. • Effective March 26, 2003 • Chapter No. 152
<p>SB 46 Gebhardt</p>	<ul style="list-style-type: none"> • Allows a county to make certain large purchases or initiate large construction projects without entering into a contract with a private entity. • Effective April 25, 2003 • Chapter No. 523
<p>SB 107 Roush</p>	<ul style="list-style-type: none"> • Increases the payment from DEQ to a county for its junk vehicle budget from \$1 per motor vehicle to \$1.25. • Increases the total payment to certain counties from \$5,000 to \$6,250. • Effective July 1, 2003 • Chapter No. 200
<p>SB 262 Perry</p>	<ul style="list-style-type: none"> • Clarifies roles of county commissioners and political parties in the appointment to a vacant seat in the Legislature: <ul style="list-style-type: none"> ▼ sets out procedures for a single-county legislative district and a multicounty legislative district; ▼ expands timeframes for notification and appointment; ▼ allows for appointment prior to the general election if a special legislative session is called; and ▼ sets beginning of term of an appointed legislator. • Effective April 15, 2003 • Chapter No. 336
<p>SB 284 Wheat</p>	<ul style="list-style-type: none"> • Revises the procedure for processing claims by a county auditor: <ul style="list-style-type: none"> ▼ establishes timeframes for investigation of a claim; ▼ establishes timeframes and procedures for claim disapproval; ▼ authorizes a county commission to order payment of disapproved claims; and ▼ provides for an appeal to district court of an order to pay a disapproved claim. • Effective April 16, 2003 • Chapter No. 371

SB 288 Mangan	<ul style="list-style-type: none"> • Allows up to four taxpayers to serve on a county compensation board. Current law limits taxpayer members to two. • Clarifies that a charter, consolidated city-county is not required to have a compensation board. • Effective April 24, 2003 • Chapter No. 487
SB 370 Gebhardt	<ul style="list-style-type: none"> • Specifies when an inmate and when a county are responsible for the medical expenses of the inmate held in a county detention facility. • Requires a health care provider to collect payments for treatment from the inmate when the inmate is responsible. • Effective May 5, 2003 • Chapter No. 579
SJR 7 Laible	<ul style="list-style-type: none"> • Expresses legislative support for the National Forest County Partnership Restoration Program for the restoration and preservation of national forests.

LOCAL GOVERNMENTS

Bill No./ Sponsor	Key Provisions
HB 88 Kasten	<ul style="list-style-type: none"> • Revises the procedure for reviewing dedicated revenue provisions for local governments. • Eliminates the separate statutory process for reviewing dedicated revenue provisions for local governments. • Effective July 1, 2003 • Chapter No. 41
HB 94 Lawson	<ul style="list-style-type: none"> • Requires that the agenda for any public meeting allow for public comment on any topic not on the agenda and within the jurisdiction of the agency conducting the meeting. • Prohibits an agency from taking action on any item unless specific notice is included on the agenda and public comment has been allowed. • Effective April 22, 2003 • Chapter No. 425
HB 142 Devlin	<ul style="list-style-type: none"> • Requires consultation in the preparation of an environmental impact statement with the local government directly impacted by the project. • Effective March 26, 2003 • Chapter No. 131

HB 207 Laslovich	<ul style="list-style-type: none"> • Changes dates relating to property assessment, certification of taxable values, delivery of property tax records, and other related matters from the 2nd Monday in July to the 1st Monday in August. • Effective February 18, 2003 • Chapter No. 34
HB 232 Devlin	<ul style="list-style-type: none"> • Conforms laws relating to capital improvement funds to general local government accounting laws. • Allows special districts to create capital improvement funds. • Increases limit on county road and bridge improvement funds to \$500,000. • Effective July 1, 2003 • Chapter No. 35
HB 238 Andersen	<ul style="list-style-type: none"> • Exempts local governments from notice requirements when conducting dust abatement activities under a short-term lease of a water appropriation right. • Requires the local government to post a copy of the lease at the point of diversion. • Effective February 27, 2003 • Chapter No. 49
HB 247 Harris	<ul style="list-style-type: none"> • Prohibits local governments from enacting ordinances that prohibit or penalize vagrancy. • Clarifies that vagrancy does not include aggressive solicitation. • Effective May 5, 2003 • Chapter No. 561
HB 252 Hedges	<ul style="list-style-type: none"> • Clarifies the exemption from campaign finance laws for certain school districts and special districts. • Expands the definition of "special district". • Effective October 1, 2003 • Chapter No. 191
HB 272 Gillan	<ul style="list-style-type: none"> • Prohibits a state agency from offsetting a debt owed by a local government against the entitlement share payment. • Effective April 7, 2003 • Chapter No. 236
HB 333 Waitschies	<ul style="list-style-type: none"> • Allows local governments to deposit interest earnings into any specified fund instead of the general fund. • Effective July 1, 2003 • Chapter No. 214

HB 358 Lange	<ul style="list-style-type: none"> • Revises the qualifications and training requirements for municipal court judges and certain justices of the peace. • Allows a county to establish a justice's court as a court of record. • Authorizes municipal court judges and certain justices of the peace to serve as judges pro tempore in district courts. • Effective July 1, 2003 • Chapter No. 389
HB 388 Lake	<ul style="list-style-type: none"> • Allows small tracts of land within an irrigation district to be excluded from district services, assessments, and liabilities under certain circumstances. • Effective April 15, 2003, and terminates December 31, 2007 • Chapter No. 347
HB 431 Lawson	<ul style="list-style-type: none"> • Gives local governments the "right of first refusal" on lands being sold by the state. The land must have been originally owned by the local government before it was sold or transferred to the state. • Effective April 15, 2003 • Chapter No. 326
HB 435 Sinrud	<ul style="list-style-type: none"> • Prohibits a legislator from accepting any compensation for speaking to a state agency or political subdivision. • Effective April 15, 2003 • Chapter No. 327
HB 517 Wilson	<ul style="list-style-type: none"> • Clarifies that a city or county may impose a mill levy for an airport even if the airport had not requested a levy in the previous 2 years. • Effective April 24, 2003 • Chapter No. 476
HB 532 Stoker	<ul style="list-style-type: none"> • Allows a local election administrator to cancel an election for drainage district commissioners and declare a winner by acclamation if the number of candidates is equal to or less than the number of positions to be filled. • Allows a county commission to appoint commissioners if there are no candidates for election. • Effective April 15, 2003 • Chapter No. 349
HB 583 R. Brown	<ul style="list-style-type: none"> • Authorizes a county and a city to establish a transportation improvement authority. • Effective October 1, 2003 • Chapter No. 219
HB 610 Bergren	<ul style="list-style-type: none"> • Allows a water and sewer district to increase fees without a public hearing if the increase is a cumulative increase of 5% or less over 1 year and notice has been sent to district ratepayers. • Effective April 18, 2003 • Chapter No. 395

HB 640 Haines	<ul style="list-style-type: none"> • Eliminates the ability of a county to designate a portion of the county outside of a city as a county jurisdictional area for a county building code. • Effective October 1, 2003 • Chapter No. 443
HB 758 Devlin	<ul style="list-style-type: none"> • Exempts establishments with video gambling machines from local smoking ordinances. • Effective April 23, 2003 • Chapter No. 471
SB 24 Mangan	<ul style="list-style-type: none"> • Allows a city or county to charge a convenience fee for providing electronic government services. • Effective April 9, 2003 • Chapter No. 264
SB 31 Cobb	<ul style="list-style-type: none"> • Exempts a local government judgment levy from the statutory mill levy limit. • Effective October 1, 2003 • Chapter No. 115
SB 45 Gebhardt	<ul style="list-style-type: none"> • Increases to \$20,000 the limit on certain contracts that may be directly negotiated by a governmental agency. • Effective March 28, 2003 • Chapter No. 162
SB 47 Gebhardt	<ul style="list-style-type: none"> • Increases to \$25,000 the bid threshold for local government construction contracts paid for with gasoline tax revenue. • Effective May 9, 2003 • Chapter No. 594
SB 89 Tash	<ul style="list-style-type: none"> • Exempts local government property from the Uniform Unclaimed Property Act. • Effective April 24, 2003 • Chapter No. 480
SB 114 Johnson	<ul style="list-style-type: none"> • Requires the Department of Revenue to begin to calculate the growth rate for the entitlement share in calendar year 2002 instead of 2004. • Effective April 8, 2003 • Chapter No. 252
SB 136 Butcher	<ul style="list-style-type: none"> • Allows a public officer to participate in proceedings or engage in activities on behalf of associations of local government officials. • Effective February 28, 2003 • Chapter No. 58

SB 150 Johnson	<ul style="list-style-type: none"> • Revises local government bonding and assessment laws. • Establishes protest procedures for condominium owners in SIDs and RIDs. • Revises the definition of "owner" in protest procedures for SIDs and RIDs. • Requires that each condominium unit be assessed separately. • Effective July 1, 2003 • Chapter No. 277
SB 163 Mangan	<ul style="list-style-type: none"> • Allows a person to pay local government taxes and fees by credit or debit card. • Effective April 9, 2003 • Chapter No. 268
SB 399 Bohlinger	<ul style="list-style-type: none"> • Allows a city or county to create a "railroad crossing quiet zone" where locomotive horns and bells are not routinely sounded. • Effective April 26, 2003 • Chapter No. 527
SB 464 Keenan	<ul style="list-style-type: none"> • Requires food establishments operated by a governmental entity to be licensed unless the entity employs a full-time sanitarian. • Requires training for food establishment inspectors. • Establishes an advisory council to assist DPHHS in developing rules or proposing legislation relating to the operation of food establishments. • Effective January 1, 2004 • Chapter No. 528

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